

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2866

House Bill No. 2524*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Second Amendment Simplification Act of 2022."

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting the section and substituting instead:

(a)

(1) A person commits an offense who possesses a firearm and:

(A) Has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving the use of a deadly weapon;

(B) Has been convicted of a felony drug offense;

(C) Has been convicted of any other felony;

(D) Has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction;

(E) Is, at the time of the possession, subject to an order of protection that fully complies with 18 U.S.C. § 922(g)(8); or

(F) Is under eighteen (18) years of age; provided, that it is a defense to prosecution under this subdivision (a)(1)(F) that the person possesses the firearm under any of the circumstances described in § 39-17-1319(d)(1).



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(2) An offense under subdivision (a)(1)(A) is a Class B felony.

(3) An offense under subdivision (a)(1)(B) is a Class C felony.

(4) An offense under subdivision (a)(1)(C) is a Class E felony.

(5) An offense under subdivision (a)(1)(D), (a)(1)(E), or (a)(1)(F) is a Class A misdemeanor.

(b) It is an exception to subdivisions (a)(1)(A)–(D) that:

(1) The person has been pardoned for the offense;

(2) The conviction has been expunged or otherwise set aside;

(3) The person's civil rights have been restored pursuant to title 40, chapter 29;

(4) The person has been granted relief of disabilities relative to firearms under 18 U.S.C. § 925;

(5) The person has been granted relief of disabilities relative to firearms under the applicable law of another state relative to a conviction arising in that state; or

(6) The person has been granted a relief of disabilities relative to firearms under federal law relative to a conviction arising under federal law.

(c) If a person is licensed as a federal firearms dealer, is identified as a responsible party under a federal firearms license, or is employed by a federal firearms dealer, the determination of whether such an individual possesses firearms that constitute the business assets or inventory under the federal license shall be determined based upon the applicable federal statutes or the rules, regulations, official letters, rulings, and publications of the bureau of alcohol, tobacco, firearms and explosives.

(d) A person does not possess a firearm, including, but not limited to, a firearm registered under the National Firearms Act (26 U.S.C. § 5801 et seq.), if the firearm is in a safe or similar container that is securely locked and to which the person does not have the combination, keys, or other means of normal access.

SECTION 3. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "or who lawfully carries a handgun pursuant to § 39-17-1307(g)".

SECTION 6. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 7. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2445*

House Bill No. 2677

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-501(1), is amended by adding the following new subdivision:

(F) A nominee, member, representative, or other holder of a position on a board, commission, or public body of the state or a political subdivision thereof;

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following new section:

39-16-506.

(a) As used in this section:

(1) "Coercion" means a threat, however communicated, to:

- (A) Commit any offense;
- (B) Wrongfully accuse any person of any offense;
- (C) Expose any person to hatred, contempt, or ridicule;
- (D) Harm the credit or business repute of any person; or
- (E) Take or withhold action related to the employment of a public servant or a family member of a public servant;

(2) "Employee" includes, but is not limited to:

- (A) A person employed by the state or any municipality, county, department, board, commission, agency, instrumentality, political subdivision, or any other entity of the state;
- (B) A person employed by a private employer; or



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(C) A person who receives compensation from the federal government for services performed for the federal government, notwithstanding that the person is not a full-time employee of the federal government; and

(3) "Employer" includes, but is not limited to:

(A) The state or any municipality, county, department, board, commission, agency, instrumentality, political subdivision, or any other entity of the state;

(B) A private employer; or

(C) The federal government, as to an employee who receives compensation from the federal government for services performed for the federal government, notwithstanding that the person is not a full-time federal employee.

(b) An employer, or an agent of an employer acting on behalf of the employer, commits an offense who by means of coercion:

(1) Influences or attempts to influence an employee who is a public servant to vote or not to vote in a particular manner; or

(2) Influences or attempts to influence an employee who is a public servant to resign as a public servant or unnecessarily recuse themselves from a public body with the intent to influence the action or inaction of a public body.

(c) A violation of this section is a Class E felony.

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) A public servant who was terminated by the public servant's employer or agent of the employer in violation of § 39-16-506 may bring a cause of action against the employer for unlawful discharge and any other damages to which the employee may be entitled, subject to the limitations set out in § 4-21-313, and:

(1) Treble the amount of damages resulting from or incident to the unlawful discharge; and

(2) Reasonable attorney fees and costs.

(b) If a public servant files a cause of action under this section for any improper purpose, such as to harass or to cause needless increase in costs to an employer, the court, upon motion or upon its own initiative, shall impose upon the public servant an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred, including reasonable attorney's fees.

(c) In any cause of action for discharge brought pursuant to this section, the plaintiff shall have the burden of establishing a prima facie case of unlawful discharge. If the plaintiff satisfies this burden, the burden shall then be on the defendant to produce evidence that one (1) or more legitimate, nondiscriminatory reasons existed for the plaintiff's discharge. The burden on the defendant is one of production and not persuasion. If the defendant produces such evidence, the presumption of discrimination raised by the plaintiff's prima facie case is rebutted, and the burden shifts to the plaintiff to demonstrate that the reason given by the defendant was not the true reason for the plaintiff's discharge and that the stated reason was a pretext for unlawful discharge. The foregoing allocations of burdens of proof shall apply at all stages of the proceedings, including motions for summary judgment. The plaintiff at all times retains the burden of persuading the trier of fact that the plaintiff has been the victim of unlawful discharge.

(d) This section abrogates and supersedes the common law with respect to any claim that could have been brought under this section.

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2535*

House Bill No. 2789

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-318, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits unlawful exposure who, with the intent to cause emotional distress, distributes an image of the intimate part or parts of another identifiable person or an image of an identifiable person engaged in sexually explicit conduct if:

(1) The image was photographed or recorded under circumstances where the parties agreed or understood that the image would remain private; and

(2) The person depicted in the image suffers emotional distress.

SECTION 2. Tennessee Code Annotated, Section 39-17-318(b), is amended by adding the following as new subdivisions:

() "Identifiable person" means a person who is identifiable from the image itself or from information transmitted in connection with the image;

() "Sexually explicit conduct" has the same meaning as defined in § 39-13-301;

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.



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AMEND Senate Bill No. 2755

House Bill No. 2578*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-503, is amended by adding the following as a new subsection:

(k)

(1) Notwithstanding subsection (b), an eligible inmate shall be released on parole upon the inmate reaching the inmate's release eligibility date or, if the inmate's release eligibility date occurred prior to July 1, 2022, any subsequent parole hearing, if the inmate:

(A) Has not been previously convicted for an offense other than the offense for which the inmate is seeking parole;

(B) Has not been convicted of a violent sexual offense, as defined in § 40-39-202; sexual offense, as defined in § 40-24-108(b) or § 40-39-202; or sex offense, as defined in § 39-13-703;

(C) Has successfully completed the programming recommended by the department of correction based on a validated risk and needs assessment performed under § 41-1-126, or can complete any recommended programming while on parole supervision; and

(D) Has not received a Class A or Class B disciplinary offense under department of correction policy within one (1) year of the inmate's parole hearing.



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(2) This subsection (k) does not limit the application of subsection (h) or (i), if the inmate would be eligible for a presumption of release under subsection (h) or (i) but does not meet the requirements of this subsection (k).

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2632

House Bill No. 2212*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-311(a), is amended by deleting the subsection and substituting:

(a)

(1) Whenever it comes to the attention of the trial judge from a probation officer that a defendant who has been released upon suspension of sentence has been guilty of any breach of law or has violated the conditions of probation, the trial judge shall have the power to issue:

(A) For a technical violation and subject to the discretion of the judge, a criminal summons; or

(B) A warrant for the arrest of the defendant as in any other criminal case.

(2) Regardless of whether the defendant is on probation for a misdemeanor or felony, or whether the warrant or summons is issued by a general sessions court judge or the judge of a court of record, a probation officer or any peace officer of the county in which the probationer is found may execute the warrant or summons.

SECTION 2. Tennessee Code Annotated, Section 40-35-311(b), is amended by deleting the language "Whenever any person is arrested" and substituting "Whenever a person is arrested or summoned".



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SECTION 3. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(3).

SECTION 4. Tennessee Code Annotated, Section 40-35-311, is amended by adding the following as a new subsection:

(g) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision matrix, or absconding.

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it.